

Selectman David I. Chipman called the meeting to order at 6:35pm at the Harpswell Community TV Studio. The meeting was taped by Donna Frisoli of Harpswell Community TV. Board members present were Henderson, John Papacasma, and associate member Don Rogers. Selectman David I. Chipman, Selectman George H. Swallow, Selectman David Mercier, Planner Tony Dater, Planning Assistant Debora Levensailor, CEO Douglas Webster, Administrative Assistant Paul Bird, and Attorney John Bannon, Town of Harpswell's attorney for this issue, were also present. After the pledge of allegiance, the Selectmen discussed and voted to approve two warrants. Selectman Chipman moved to approve Warrant #37 in the amount of \$21,737.34. Selectman Mercier seconded. **Carried 3-0.** Selectman Chipman moved to approve Payroll Warrant #31 in the amount of \$11,255.98. Selectman Mercier seconded. **Carried 3-0.**

Henderson called the Planning Board meeting to order at 6:40pm and explained that there was not a quorum of Board members present. He asked Debora Levensailor to call member Howard Nannen to see if he would be attending the meeting. Henderson explained that the purpose of the meeting was to consider legal issues regarding Envision Realty, L.L.C.'s application before the Board from January 17, 2001 through May 16, 2001. He said there would be no decisions made, nor any action taken in the Board's forthcoming executive session with the Selectmen, Attorney Bannon, and invited Town staff. Henderson appointed Don Rogers a voting member to take absent member Linda Toothaker's place this evening.

Leo Blair, of Envision Realty, L.L.C., asked to speak. The Board allowed him to do so. He asked the Board to explain item #1 on the agenda (concerning the Board's scheduled discussion of Envision Realty, L.L.C.'s right title or interest), which Henderson did. Blair asked if the Board would take public comment before going into executive session, and Henderson said, "No." Blair wanted to know if the Board would go back into the public meeting after the executive session if the session lasted past 9:30pm, and Henderson said they would.

Henderson recessed the meeting, at 6:50pm, until Nannen's arrival.

Upon Nannen's arrival, Henderson called the meeting to order again at 7:05pm. Henderson said that a quorum of the Board was now being recognized. He said the Board would be going into executive session as allowed by the Maine Right to Know Law. He said he did not know how long the executive session would last. He said a decision may be made by the Board after the executive session, after the public part of tonight's meeting is called back to order.

Henderson said, "I would propose that the Board go into executive session with the Board of Selectmen, Staff of the Town of Harpswell, and the Codes Enforcement Officer, so that it may consult with the Town Attorney about the Board's legal rights and duties, as well as possible litigation, concerning the Skolfield Farms Subdivision, because this is a matter where (a) the Town attorney's duties to the Town pursuant to the Maine Bar

Rules clearly conflict with the Freedom of Access Law, and (b) premature general public knowledge of the matters to be discussed would clearly place the Town at a substantial disadvantage.” Papacosma stated, “So moved.” Nannen seconded. **Henderson voted to approve the motion. Papacosma voted to approve the motion. Nannen voted to approve the motion. Rogers voted to approve the motion. The vote was unanimous to approve the motion. Motion carried, 4-0.**

Henderson adjourned the meeting into the executive session at 7:20pm. The TV camera was turned off.

Henderson stated, “I move that the Board come out of executive session.” Papacosma seconded. **Carried 4-0.** At 9:05pm, the Board came out of executive session and Henderson called the public portion of the meeting back to order. The TV camera and tape recorder were turned on.

Henderson stated, “We had a broad discussion on the previous application of Envision Realty, L.L.C. before Board, and we accomplished our objectives.” Nannen moved to adjourn the meeting. Henderson seconded. Henderson adjourned the meeting at 9:10pm.

Respectfully submitted,

Debora A. Levensailor  
Harpwell Planning Assistant